

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1816 - SB 2016

February 11, 2020

SUMMARY OF ORIGINAL BILL: Requires a defendant who commits an offense against a Good Samaritan to be sentenced within the range that is one range higher than the defendant would otherwise be sentenced. Requires a defendant convicted of murder in the first degree for the murder of a person acting as a Good Samaritan to be sentenced to life without the possibility of parole or sentenced to death.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$1,762,600 Incarceration*

SUMMARY OF AMENDMENT (014411): Deletes and replaces all language after the enacting clause such that the only substantive changes are to: (1) authorize, rather than require, such sentence enhancements; and (2) add the victim of a murder was acting as a Good Samaritan to the list of statutory aggravated circumstances for a life without the possibility of parole or death penalty sentence consideration by a jury in first degree murder sentence hearings rather than to require such sentences.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation defines a Good Samaritan as a person who helps, defends, protects, or renders emergency care to a person in need without compensation.
- Based on information obtained from the Tennessee Bureau of Investigation Incident Based Reporting System, in 2018 there were 6,319 domestic violence victim cases occurring in a location other than a residence that were cleared by arrest.
- Based on information in the *Annual Report of the Tennessee Judiciary Fiscal Year 2018-2019*, approximately 48.4 percent of dispositions statewide resulted in a conviction.
- This analysis assumes a proportionate percentage of domestic violence victim arrests would result in a conviction; therefore, 3,058 (6,319 x 48.4%) domestic violence arrests result in a conviction statewide.
- This analysis estimates that in one percent or 31 (3,058 x 1%), of such cases, a Good Samaritan was a victim of a crime that will result in an aggravated assault conviction of the defendant.

- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.81 percent per year for each of the past 10 years (from 2008 to 2018), yielding a projected compound population growth rate of 8.37 percent. Assuming Tennessee's population continues growing by the same rates over the next 10-year period, population growth will account for 3 (31 x 8.37%) additional admission for a total of 34 (31 + 3).
- According to the Department of Correction (DOC), 46.4 percent of offenders will re-offend within three years of their release. A recidivism discount of 46.4 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (34 offenders x 46.4% = 16 offenders).
- Based on information provided by the DOC, the average time served for aggravated assault in 2019 was 3.25 years.
- This analysis assumes defendants would be sentenced with a Class C felony in Range III of the sentencing matrix with a release eligibility date at 6.8 years.
- The proposed legislation will result in each admission serving an additional 3.55 years (6.8 – 3.25).
- According to the DOC, the average operating cost per offender per day for calendar year 2020 is \$75.52.
- Pursuant to Tenn. Code Ann. § 9-4-210, 18 offenders (34 offenders – 16 recidivism discount) will be admitted every year serving an additional 1,296.64 days (3.55 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$1,762,601 (\$75.52 x 1,296.64 x 18).
- Any impact to incarceration resulting from requiring consideration of the statutory aggravating circumstance of a Good Samaritan murder victim for a life without the possibility of parole or death penalty sentence by a jury in a first degree murder sentence hearing rather than to require such sentences is estimated to be not significant.
- Any impact to the court system is estimated to be not significant.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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